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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,765	06/24/2005	Koichi Matsumoto	09792909-6289	9208

26263 7590 02/25/2009  
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EXAMINER
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JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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02/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,765	<b>Applicant(s)</b> MATSUMOTO, KOICHI	
	<b>Examiner</b> KELLY L. JERABEK	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is a first office action in response to application 10/540,765 filed on 6/24/2005 in which claims 1-18 are presented for examination.

### ***Election/Restrictions***

Applicant's election without traverse of the first species corresponding to figures 1A-3 and claims 1-4 and 9-12 in the reply filed on 12/30/2008 is acknowledged.

Claims 5-8 and 13-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/30/2008.

### ***Drawings***

Figures 9A-9B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. US 5,995,249.**

Re claims 1 and 9, Sato discloses a solid-state image pickup device (CCD linear image sensor) and method comprising: a photosensor section (101-103) provided in a substrate as a section including a first photosensor (102 R) and a second photosensor (101 G, 103 B) for receiving a light beam with a wavelength smaller than the wavelength of a light beam received by said first photosensor (102 R) (red light has a smaller wavelength than blue and green wavelength) (figure 1; col. 3, line 35-col. 4, line 15); an electric-charge transfer section (106-109 CCD shift units) provided beneath said second photosensor in said substrate (figure 1; col. 3, line 35-col. 4, line 15); and a read gate provided beneath said first photosensor (102 R) in said substrate as a gate for

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transporting electric charge obtained as a result of a photoelectric conversion process carried out by said first photosensor (102 R) to said electric charge transfer section (106-109 CCD shift units) (image signals are output from the photosensors 101-103 to the electric charge transfer sections 106-109 and therefore a read gate transports charge from the photosensors to the electric charge transfer sections) (figure 1; col. 3, line 35-col. 4, line 15).

Re claims 2 and 10, Sato discloses that the first photosensor (102 R) receives a light beam of the red color and the second photosensor (103B) receives a light beam of the blue color (figure 1; col. 3, line 35-col. 4, line 15).

Re claims 3 and 11, Sato discloses that the first photosensor (102 R) receives a light beam of the red color and the second photosensor (101G) receives a light beam of the blue color (figure 1; col. 3, line 35-col. 4, line 15).

Re claims 4 and 12, Sato discloses that the first photosensor (102 R) and the second photosensor (101G, 103B) are provided at adjacent locations separated away from each other by a potential barrier section (spacing between photoreceptors 101-103) (figure 1; col. 3, lines 46-57).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Merrill et al. (US 6,606,120) discloses multiple storage node full color active pixel sensors. The information regarding an active pixel sensor including multiple photosensors corresponding to different color values is relevant material.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at **(571) 272-7593**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kelly L. Jerabek/

Patent Examiner, Art Unit 2622